

## HALL COUNTY BOARD OF SUPERVISORS MEETING FEBRUARY 8, 2005

The Hall County Board of Supervisors met February 8, 2005, by published call in the county board meeting room, 121 South Pine, Grand Island.

CALL TO ORDER - The meeting was called to order by Chairman Pamela Lancaster.

INVOCATION - Invocation was given by Chairman Pamela Lancaster.

PLEDGE OF ALLEGIANCE – The Pledge of Allegiance was given in unison.

ROLL CALL - Present on roll call were Scott Arnold, Jim Eriksen, Richard Hartman, Bob Humiston, Bud Jeffries, Pamela Lancaster and Robert Rye. Also present was a representative from the *Grand Island Independent* and County Attorney Mark Young.

CONSENT AGENDA ITEMS – Eriksen made a motion and Jeffries seconded to approve the following by consent agenda:

1. Accept and place on file the minutes of the January 25 meeting
2. 5c Accept the committee recommendation to accept bids for a mower tractor with trade-in on March 8, 2005 at 10:00 a.m.
3. 5d accept the committee recommendation to accept bids for the annual gravel requirements and set the bid opening for March 8, 2005 at 10:15 a.m.
4. 15 Accept and place on file communications from regional planning
5. Accept and place on file the office reports from Hall County Park, Hall & Howard County Juvenile Services, County Sheriff and County Court.
6. Accept and place on file the Hall County Treasurer's Miscellaneous Receipts
7. Accept and place on file communications as received

Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried

### OFFICE REPORT HALL COUNTY JUVENILE SERVICES JANUARY 2005

JUVENILE REFERRALS	42 JUVENILES
JUVENILE OFFENDERS	1 JUVENILE
JUVENILE HOUSE ARREST	2 JUVENILES
TOTAL UNDER SUPERVISION	198 JUVENILES
FEES COLLECTED	\$710.00

OFFICE REPORT  
HOWARD COUNTY JUVENILE SERVICES  
JANUARY 2005

JUVENILE REFERRALS	1 JUVENILES
TOTAL JUVENILE ENROLLEES	15 JUVENILES
FEES COLLECTED FOR MONTH	\$100.00
TOTAL FEES COLLECTED FISCAL YEAR	\$1,475.00

OFFICE REPORT  
COUNTY COURT  
JANUARY 2005

FINES (CO.)	\$ 61,498.51
OVERLOAD FINES	1,425.00
REIMBURSE SHERIFF FEES	1,674.37
WORK RELEASE FEES	1,582.00
REIMBURSE FAX COPIES	3.00
FINES (CITY)	8,594.07
REIMBURSE WITNESS FEES	335.04
BOND FORFEITURES	2,745.00
REIMBURSE CO. FEES	
TOTAL	\$77,856.99

OFFICE REPORT  
HALL COUNTY SHERIFF  
DECEMBER 2004

FEES, MILEAGE & MISC	\$13,739.15
COPIES	144.00
HANDGUN APPLICATIONS	85.00
TITLE INSPECTIONS	2,600.00

PUBLIC PARTICIPATION – Chairman Lancaster called for public participation and no one responded.

4. APPLICATION FOR ESTABLISHMENT OF PUBLIC ROAD FOR PLATTE RIVER MALLARD HAVEN – Attorney Jerry Janulewicz was present and stated that he represents Platte River Mallard Haven. Shareholders of the corporation Don Cox, Ryan Eckstrom, and Don Leiding. Duane Skrdlant, another land owner, was also present. An application and affidavit requesting the establishment of a public road was filed in the Hall County Clerk's Office February 4, 2005.

The land owned by Platte River Mallard Haven, at the time of purchase, appeared to have access on the east and north section lines but Thomas Lauvetz purchased real estate adjacent and asserted that no public road exists and placed a gate in the right-of-way on Monitor Road and planted trees along the road. Platte River Mallard Haven has constructed a building on their property and requested to have electricity installed but Mr. Lauvetz refused to let them do this. Mr. Janulewicz stated that he checked with Dan Hostler County Surveyor and it appears that there is not a public road to the property. This property meets the definition of isolated lands. Mr. Janulewicz provided the board members with a time line of the action from June 9, 1952 to December 18, 1953 and apparently the process to open this road was not completed. The deed was not filed.

Mr. Janulewicz stated that his client could file a law suit and litigate this issue but he would like to have the county open this road on the section lines as access to isolated lands.

Hartman stated that this has been addressed before and there were problems. Platte River Mallard Haven wanted to just tap in on the power lines that are already there but that request was denied. They even offered to pay for underground lines and Mr. Lauvetz refused to let them do that also. This is a section line road and is not maintained.

Duane Skrdlant stated that the South Platte township board had opened this road from the 1950's to the 1970's and it was a minimum maintenance road. His property is adjacent to the Lauvetz property.

Don Cox showed pictures of Monitor Road and showed the placement of the gate, the trees and the fence. The fence is on the section line. County Surveyor Dan Hostler stated that he would like to keep the road on the section line.

Jerry Janulewicz stated that the county could establish the road or his client could go through litigation, but that would be expensive. The county can open the road on the section line and obtain the necessary right-of-way. They would have to have the property appraised and if the landowners do not agree to sell the right-of-way the county would have to follow the condemnation process.

If the land is declared isolated land a public hearing is held, notice is given to the land owners and they would have a right to file claims to the county for the right-of-way. Once this is done the board would adopt a resolution to open the road.

County Attorney Mark Young stated that the county has three options

- Open the road on the section lines
- Open the road to isolated lands
- Consider this a private dispute and the parties would have to settle in court

It appears that the road should have been opened in 1953 but the deed was not completed and filed. The county just needs to decide what process to follow.

Jeffries made a motion and Arnold seconded to refer it to the public works committee and come back with a recommendation in two weeks.

Jeffries questioned the amount of right of way and if the fences were in the right of way. He also noted that the width of the entrance to the road needs to be addressed. This was a county responsibility and it was not completed there needs to be a solution and it should be done correctly this time.

Arnold suggested that the committee meet with legal representation and make sure that it is correct.

Rye noted that it appeared that the intent was there but the process was not completed. It needs to be done correctly and as quickly as possible. Eriksen also noted that it needs to be done correctly. Jeffries stated that if the board does not follow the correct process the other parties may take them to court.

Mr. Cox stated that if Mr. Lauvetz knows that they are serious and the county is going to proceed with the process he may volunteer to cooperate and sign over the easement.

The vote to refer this to the public works committee was taken. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

**6 DISCUSS & TAKE ACTION ON APPOINTMENT TO THE VISITOR PROMOTION COMMITTEE** – Lancaster stated that this was held from the last meeting for further discussion for the appointment to the visitor promotion board. She called for a motion.

Hartman made a motion and Eriksen seconded to accept the recommendation from the Convention Visitors Bureau Board to appoint Rick Milton to fill the term.

Jeffries stated that he was contacted by two people requesting the appointment of David Vaughn. Jeffries stated that he does know Mr. Vaughn.

Arnold stated that he does know Mr. Vaughn and he supports the appointment of Mr. Vaughn.

Lancaster stated that she is the liaison to the CVB board and she supports the recommendation.

The vote on the motion to appoint Rick Milton to the Convention Visitors Advisory Board was taken. Eriksen, Hartman, Humiston, Lancaster and Rye all voted yes and Arnold and Jeffries voted no. Motion carried.

**8 APPROVE SPECIAL DESIGNATED LIQUOR LICENSE FOR MID NEBRASKA SPEEDWAY** – The application for the special license was received by the County Clerk and the letter from the Hall County Sheriff was included stating that they would provide law enforcement for the July 23, 2005 event.

Hartman stated that this even was held last year and there were no problems. Hartman made a motion and Humiston seconded to approve the request for the special designated liquor license for Mid Nebraska Speedway for July 23 or the alternate date of July 24<sup>th</sup>. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

16 COMMENCE AUDIT OF BI WEEKLY PAY CLAIMS AND ACTION ON CLAIM  
ACTION ON CLAI AUDIT – Jeffries made a motion and rye seconded to approve the bi weekly pay claims and authorize the clerk to pay. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

5a 10:00 A.M. BID OPENING FOR BOX CULVERTS – The following bids were received:

CONTRACTOR	Buffalo Road C40(325) Triple 10x6x45 CBC	Holling Road C40(330) Single 8x4x40 CBC	110th Road C40(331) Twin 10x5x43 CBC	TOTAL BID OF ALL PROJECTS (IF TIED)
Diamond Engineering	\$58,435.15	\$17,204.38	\$38,797.62	\$114,437.15
LJ Webb Contractors	\$44,746.55	\$13,017.66	\$29,529.67	\$87,293.88
Midlands Contracting	\$47,987.50	\$14,712.46	\$32,224.18	\$94,924.14
Wilke Contracting	\$51,894.30	\$16,471.52	\$35,837.47	\$104,203.29

Jeffries made a motion and Humiston seconded to refer the bid to the public works committee and they will come back with a recommendation today. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

10:05 a.m. Held a board of equalization meeting.

10:15 a.m. Returned to the regular meeting to hold the bid opening.

10:15 A.M. BID OPENING FOR ASPHALT OVERLAY – The following bids were read:

CONTRACTOR	CHAPMAN ROAD MAINTENANCE OVERLAY	HUSKER HIGHWAY MAINTENANCE OVERLAY	140TH ROAD MAINTENANCE OVERLAY	TOTAL BID FOR ALL PROJECTS
J.I.L. Asphalt Paving Co.	\$211,106.50	\$122,796.40	\$13,516.40	\$347,419.30
Gary Smith Construction Co.	\$181,437.83	\$106,090.61	\$11,764.98	\$299,293.42

Jeffries made a motion and Eriksen seconded to refer the bids to the public works department and they will return with a recommendation today. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

10:20 a.m. Returned to the board of equalization meeting.

#### 7 CONTINUE DISCUSSION ON EXCLUSION OF LAND FROM INDUSTRIAL PARK -

Matt Preisendorf was present regarding his request to remove this property from the industrial park. He was to subdivide the property and sell part of the property and in order to do this is he wants to remove it from the tract.

Arnold questioned if the property is in the industrial tract, it is not to be used for retail. Mr. Preisendorf stated that this is a gray issue and he is not sure if that is correct.

Regional Planning Director Chad Nabity was present and he stated that he had talked to Tom O'Neill regarding the street improvements. If the street is improved the owners must come forward and request a paving district and if approved the city would make the assessment and the owners would have to provide the installation of the water hookups and pay the assessment fees. Mr. Nabity stated that over 50% of the property owners in a district must approve it. In this situation one person owns more than 50% of the property.

The regional planning commission met regarding the annexation of this property and they did recommend approval if the property is removed from the industrial tract.

Jeffries made a motion and Arnold seconded to remove the property from the industrial tract. Discussion was held. A resolution needs to be prepared to do this.

Jeffries withdrew his motion and Arnold withdrew his second.

Jeffries made a motion and Arnold seconded to direct the county attorney to prepare a resolution to remove this property from the Hall County Industrial Tract. Arnold, Eriksen, Humiston, Jeffries, Lancaster and Rye all voted yes and Hartman voted no. Motion carried.

#### BOARD MEMBER'S REPORTS – Hartman – no report

Humiston – no report

Eriksen – He reported that he attended the Region III meeting and they provided a copy of their annual report and the financial statement. It will be available in the board assistant's office if any one wants to look at it.

Rye – no report

Jeffries – He reported that he had two public works committee meetings. They reviewed the 1 & 6 Roar program and discussed inspecting and assessing all the roads in the county to consider what maintenance needs to be done. The committee also recommended accepting bids on a mower tractor. The county has added 55 miles of roads that will need to be mowed.

The building and grounds committee reviewed the report on the air quality in the HHS building and are doing some preliminary work and assessing the costs for some improvements. He also attended the Stuhr Museum board meeting.

Arnold – He attended the computer committee meeting and they discussed the county IT department taking over the maintenance of the wireless system. They will be meeting again tomorrow and will move forward with that project. He also attended the building and grounds committee meeting and the public works committee meeting. He also attended the crime commission meeting and Allen Curtis is leaving as director and Harold Clark the director of the Nebraska Department of Corrections is also leaving.

Lancaster – She received a letter regarding the condition of Gunbarrel Road. This road was used as a detour when Highway 30 was being worked on and because of the traffic it is now in need of maintenance. Hall County has about a quarter of a mile and it needs repair. She suggested sending a letter to the State of Nebraska District Engineer requesting that the State assist with the overlay. The board member did not object so County Surveyor Dan Hostler will be instructed to send a letter.

She attended the Midland Area Agency on Aging meeting and it is business as usual. They are following legislation that would full funding from the agency to see what happens. She stated that the average cost to keep a person in their own home is \$700.00 a month versus \$4,000.00 a month if they are in a nursing home. She also attended a hearing in Lincoln regarding proposed legislation. She also mentioned that the county still participates in the Monday morning “Community Connection” and encouraged others to participate. This week is “Acts of Kindness Week” and she asked the board members for a contribution of money for the food pantry.

**BOX CULVERTS BID OPENING** – The public works committee met and County Engineer’s estimates. The recommended to accept the bid from L. J. Webb.

Jeffries made a motion and Arnold seconded to accept the bid from L.J. Webb for the box culverts project in the amount of \$87,293.88 and authorize the chair to sign the contracts. . Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

**ASPHALT BID OVERLAY PROJECTS** – The committee reviewed the bids and recommended to accept the bid from Gary Smith Construction in the amount of \$299,293.42.

Jeffries made a motion and Arnold seconded to accept the bid from Gary Smith Construction in the amount of \$299,293.42 and authorize the chair to sign the contract. .Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried. This is \$24.00 a ton for the overlay.

**NEW OR UNFINISHED BUSINESS** – Chairman Lancaster called for new or unfinished business and no one responded.

Meeting adjourned at 11:05 a.m. The next meeting will be February 22, 2005.

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Marla J. Conley Hall County Clerk